



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE CONSTITUTIONAL DEVELOPMENT OF THE WESTERN HAN DYNASTY

TELLY H. KOO
DENISON UNIVERSITY

I. The feudal system of the Chou dynasty.

THE FORM of government which the Revolution of 1912 partially overthrew was no sudden creation, but the product of long centuries of growth. It had its roots far back beyond the Christian era and had undergone great modifications in successive dynasties. It has by no means disappeared to-day, but in modified form is the basis of the present republican machinery of administration and may well remain so for years to come. In all the long history of the Chinese political organization, there is no more important period than that which spans the dynasty of the Western Han. It was then that the combination was made between the decentralized feudalism of the Chou and the highly centralized and bureaucratic innovations of the Ts'in. As the years of the dynasty progressed, a form of organization increasingly developed which with alterations was to become the framework of the central government under all succeeding rulers. It is not too much to say that the organization of China which we know dates from the great emperors of the Earlier Han.

The history of feudalism in China goes back to the time of Yu, the founder of the Hsia dynasty. It had its origin at Tusan¹ where Emperor Yu had his first conference with the princes of the different existing states. In succeeding generations this feudal system was improved and modified to meet the peculiar needs of each time, and it reached its completion in the middle of the Chou dynasty. It is well nigh impossible to discover the exact beginnings of feudalism, for what records we have of that period are unreliable. To have a full and intelligent understanding of the governmental system and structure of the Western Han, however, it is wise to have in mind a brief survey of the feudal government as it existed under the more important Chou monarchs.

¹ In the present province of Anhui.

At the head of the State was the emperor.² He had the power to create nobles, appoint ministers, distribute honors, inspect his subjects, confer emoluments, and levy taxes. He was to conduct religious ceremonies, national worship, and meetings of the princes. He granted land to those whom he considered worthy and he retained the power to eject such grantees should they be found faithless.

The central government consisted of the emperor, a prime minister or senior chancellor (T'ai Ssu) who was over all departments and who helped the monarch to execute the latter's decrees, a senior tutor (T'ai Fu) who gave advice to the emperor, and a senior guardian (T'ai Pao) who admonished the ruler whenever he departed from the path of rectitude. Each of the three councillors had an assistant or junior councillor (Shao Fu, Shao Pao, and Shao Ssu). These councillors were to study the needs of the nation and to submit suggestions to the Crown for the improvement of the welfare of the people.

Below the councillors were the six departments.

1. The Heaven Department (T'ien Kuan). The head of this department helped the emperor to regulate the state affairs and public expenses, to determine the national budget, and to fix taxes.

2. The Earth Department (Ti Kuan). The head of this department was charged with the duty of establishing schools, proclaiming laws, providing for the poor and the helpless, encouraging virtue, and appointing teachers to instruct the people in the proper means of life.

3. The Spring Department (Ch'un Kuan). It was the duty of the head of this department to attend to all religious ceremonies.

4. The Summer Department (Hia Kuan) was assigned the duty to raise money for war, to organize the army, to crush rebellion, and to examine people who were ready for service.

5. The Autumn Department (T'siu Kuan). This was the ministry of justice. To its head was intrusted the task of interpreting the laws, punishing criminals, and giving instructions to the judges. On the other hand, he was to see whether the

² In Chinese texts all rulers of the Chou are called kings (Wang) and all monarchs from Ts'in to the present time emperors (Ti).

punishments imposed upon the people were reasonable.³ Under him were the Great Travellers (T'ai Ying Jen) and the Small Travellers (Siao Ying Jen), who were given police powers, i. e. they were to inspect the feudal kingdoms, to see whether everything was in good order, and to make reports of their tours.

6. The Winter Department (Tung Kuan). The head of this department had the duty of assigning to the people suitable places for dwelling, of providing employment for them, and of overseeing public works.

All six departments were directly responsible to the emperor.⁴ They were supposed to make constant and regular reports of their work and to present measures for the emperor's approval. Roughly speaking, the emperor, the councillors, and the departments formed the imperial council.

The monarch reserved a state of one thousand square li for himself. The rest of the land was given to his feudal vassals. Of these there were five classes: first, the duke (Kung) who was given one hundred square li; second, the marquis (Hou) who received the same size of land; third, the earl (Pê) to whom was given seventy square li; fourth, the count (Tsu) and fifth, the baron (Nan) to each of whom were given fifty square li. Territories less than fifty square li were not directly responsible to the emperor but to the princes and were called attached territories.⁵ All imperial ministers were given lands according to their ranks. Thus the whole nation under the Chou was divided into nine regions including the imperial domain. There were once 1773 feudal states, of which ninety-three were in the imperial domain.⁶ The tenure of land within this region was for life, while that outside was a hereditary grant given to the princes.⁷

Under each of the five classes of vassals were a number of officers and ministers, a majority of whom were appointed by

³ Hawking L. Yen, *A Survey of Constitutional Development in China*, Columbia University Press, New York, 1911, p. 52.—Friedrich Hirth, *The Ancient History of China*, Columbia University Press, New York, 1911, p. 123.

⁴ For a detailed study of the departments, see H. L. Yen, *op. cit.* pp. 45-55.

⁵ H. L. Yen, *op. cit.* p. 42.

⁶ *Ibid.* p. 43.

⁷ *Ibid.* p. 56.

the Crown. The number of officers varied according to the feudal rank of their master.⁸ To express their loyalty and allegiance to the emperor, custom and law required that the feudal princes should send annual tribute to the monarch,⁹ model their governments according to the central government, confer with the emperor in case of difficulties, and help him to subdue rebellious princes. Were trouble to arise between two states, the wronged prince was not allowed to attack without first obtaining the consent of the emperor.

All land was divided for purposes of cultivation into three classes in accordance with its fertility, and it was partitioned among the farmers according to the number of persons in a family.¹⁰ In return, the farmer was under obligation to pay rent and to labor and fight whenever emergency arose. Later, the 'Well Farm' (Tsin T'ien) system was inaugurated, a plan by which land was divided into nine equal lots, each comprising seventy square mou. To every adult was assigned a lot, and every eight families were to cultivate the lot in the center. The income of the latter was to go to the imperial government.

When the emperor declared war on neighboring peoples, one from each family was required to join the army. All urban residents between twenty and sixty-five years of age, with the exception of the nobles, officers, the old and the crippled, were required to go to war.¹¹

Ordinary citizens of good character and ability might enter the civil service. They were first to pass satisfactory examinations and were recommended to the emperor and inducted by him into the court.

For a while the whole machinery, complicated as it was, worked well and produced its desired results. The able monarchs who gave vigor to the initial years of the Chou dynasty succeeded in maintaining order and peace and the feudal princes were kept under control.

II. *The decline of feudalism.*

The later emperors of the Chou dynasty forgot the hardships of their ancestors and gave themselves over to vice, leaving the

⁸ *Ibid.* p. 42.

⁹ *Ibid.* p. 62.

¹⁰ *Ibid.* p. 57.

¹¹ *Ibid.* p. 58.

government in the hands of incompetent or corrupt ministers. They ceased to give heed to their councillors, and instead of picking the best to fill offices, they surrounded themselves with flatterers. In 842 B. C. rebellion broke out and the ruling monarch, Li Wang (878-842 B. C.), was banished. Bad emperors were followed by worse ones. Yu Wang (781-770 B. C.), in order to please his queen, cheated his princes by lighting false beacon fires, and was finally captured by the Hiungnu, a people related to the Huns.¹²

After Nan Wang (314-255 B. C.), the ministers and princes actually made and dethroned the emperor and ceased to pay tribute to him.¹³ They began to worship Heaven directly, a privilege heretofore reserved to the monarch, and no longer sent troops to the latter's assistance. Before long they ceased to present themselves to the emperor and at one time failed to visit him for thirty years.¹⁴ Those princes who were exposed to the attacks of neighboring states, seeing that they could not expect any help from the central government, now organized their own armies, levied their own taxes, and themselves appointed civil and military officers.

By the time of P'ing Wang (770-719 B. C.), the emperor's leadership had become purely nominal and his power had passed into the hands of the feudal princes. The northwestern states began to expand their territories at the expense of their barbarous neighbors, the Yung and the Ti. By constant struggle with these tribes, they developed their warlike spirit, and with the help of such military leaders as Sung Ping and Wu Chi, the stronger feudal princes annexed all the neighboring small states and became more powerful than the central government. The eastern states had been unable to expand their territories, for they were hedged in by the sea. They began, however, under such statesman as Kuan Tze, to make use of salt and iron, and thus became rich. The emperor now found himself dependent on some states for money, on others for military support.

Among the feudal princes, meetings were held without giving notice to the monarch and alliances were concluded and dissolved

¹² Ssu-ma Ch'ien, *Shih Chi* (Historical Records), Commercial Press, Shanghai, China, 1916; Chapter 4, p. 11.

¹³ F. Hirth, *The Ancient History of China*, p. 326.

¹⁴ Ssu-ma Ch'ien, *Shih Chi*, ch. 4, p. 9.

without reference to him. This condition of affairs led to periods of decentralization and internal warfare known as the era of 'The Five Leaders' and 'The Seven Heroes.' Several times the emperor attempted to restore his power, but it was too late. The last Chou monarch, Nan Wang, made a bold endeavor to crush Ts'in by concluding an alliance with some of the princes. Ts'in took advantage of this breach, became an open rival, and, by virtue of superior force, defeated the imperial armies. After Nan Wang's death, the empire was left to the relative of the emperor who was ultimately conquered and deposed by Ts'in.

The outstanding weakness of feudalism lay in its decentralization. While the people were technically subjects of the emperor, in actuality they were governed by the local princes. Each local jurisdiction meant the loss to the monarch of just so much land.

III. *A period of centralization under the Ts'in dynasty.*

With the beginning of the contending states there came a period of anarchy. Warfare was universal. Finally Ts'in Cheng (246-209 B. C.), the feudal prince of Ts'in, with the help of his able warriors conquered and annexed all other states, and China, for the first time, became a united nation. Seeing well the drawbacks of feudalism, Ts'in Cheng determined to rule with an iron hand.

The rulers of the remote past had the title 'Hwang Ti.' All the monarchs of Chou had assumed the title 'Wang,' because they considered themselves unworthy of being called by the earlier title. Ts'in Cheng, however, thought that his merits surpassed all the ancient rulers and so called himself 'Hwang Ti' (Emperor). He has, accordingly, been known to posterity as Ts'in Shih Hwang Ti. When he considered whether it would be wise to divide the nation among the nobles and his relatives, his minister, Li Shih, replied that 'the preceding dynasty, Chou, suffered a great deal because the feudal princes looked upon each other as enemies. They disregarded the mandates of the king, indulged in constant warfare, and at last caused the downfall of the central government. It is sufficient to compensate the princes and ministers with money. This is the way to insure peace.'¹⁵ Acting upon the advice of his minister, Ts'in Shih

¹⁵ Ssu-ma Ch'ien, *Shih Chi*, ch. 6, p. 5.

Hwang Ti divided the kingdom into thirty-six administrative districts, each ruled by three officials, a governor, a general, and a censor, all appointed by the emperor. All weapons were collected and melted. New laws were put into operation and the 'Well Farm' system was abolished. All the more capable people were ordered to live in the capital in order to permit careful surveillance and so to nip further revolutions in the bud.

This sudden break with the governmental methods installed by the ancient emperors seemed too radical to the scholars of the time and they ventured to comment adversely upon it. To stop these criticisms, Li Shih suggested that 'scholars are wholly ignorant of the present. They care merely to copy the past. If they are allowed to criticize the government, seditions and the decline of imperial power will follow. I suggest therefore that all books but the records of the present dynasty be burnt. People who dare to talk about the older classics should be arrested, tried, and executed. Scholars who venture to compare the present government with the past and thereby make slighting comments are, together with their families, to be killed. Officials who tolerate such outlaws or who fail to execute this order thirty days after its issue should receive the same punishment or be banished from the kingdom. All books but those on forestry, horticulture, and medicine should be gathered and thrown into the fire. Scholars might be allowed to study law under appointed officials.'¹⁶

This suggestion was embodied in an imperial decree and was put into vigorous execution. Such books as could be found were burnt, all scholars were brought to trial and not less than four hundred were buried alive. It was only through the careful efforts of a daring few that we to-day still have the Confucian classics.

Before his death, the First Emperor saw the beginning of the disintegration of the empire. There was universal and growing dissatisfaction and mobs were common. Within a few months, the whole fabric had fallen to pieces.

There is much to be said in favor of the policy of centralization as it was carried out by the First Emperor. His iron hand was needed to bring the nation together. He did well in abolishing the old system of taxation and in placing national resources

¹⁶ Ssu-ma Ch'ien, *Shih Chi*, ch. 87, p. 3.

under the direct control of the central government. He saved the nation from the incessant civil wars of the Chou and wisely took over all military powers of the feudal princes. He centered all political powers in his own hands by making all ministers and governors directly responsible to him. His purpose was to make the nation the personal property of his family for 'thousands of generations.' His dream might have been partially realized had it not been for his excessive tyranny.

IV. Han Kao Tsu's general plan of reconstruction.

The man of iron was gone. Once again the nation was plunged into turmoil. New military heroes were making their fortunes and the surviving feudal princes planned to restore their old kingdoms. It seemed as though the days of the Contending States were fast returning. There was not even a nominally recognized emperor. On the other hand, the people were tired of war. They were willing to follow any one who would guarantee the safety of their property and lives. Such a man was found in Liu Pan (206-194 B. C.) later known as Han Kao Tsu, the founder of the Western Han dynasty.

Kao Tsu started his career as a magistrate of a *ting*. Through his genius as a warrior and strategist, he worked his way up until he became a rival of Hsiang-yu, then the dominant figure in the empire. His experience convinced him that he could not hold the country together by sheer force, nor by assigning portions of land to the princes. He was sure, however, that a plan such as set forth by Ts'in Shih Hwang Ti was workable if he could combine it with the machinery devised by the ancient sovereigns.¹⁷ His first aim was to gain the favor of the people. This he did by allowing them to occupy the gardens of Ts'in and to turn them into fields, by exempting them from taxation for a certain length of time,¹⁸ by abolishing the laws of Ts'in, and by the proclamation of 'The Three Principles,' a simple penal code which ran: 'Murderers are to be executed. Criminals who are guilty of robbery or injuring others are punishable by severe laws. The rest of the Ts'in laws are to be void.'¹⁹

¹⁷ Pan Ku, *Ch'ien Han Shu* (The Former Han History), The Commercial Press, Shanghai, China, 1916, ch. 1b, p. 2.

¹⁸ *Ibid.* ch. 1, p. 10.

¹⁹ *Ibid.* ch. 1, p. 7.

Kao Tsu knew well that instead of driving his conquered enemies to the wall it might be well to show his magnanimity. By promising to each the grant of a city of ten thousand families he induced the independent governors to surrender.²⁰ All prisoners, except those deserving death, were to be free.²¹ He ordered that all who, for want of food, had sold themselves as slaves during the war, should be free citizens. Innocent military officers who had lost their positions were to be restored.²² By liberal treatment, Kao Tsu won the confidence and support of the conquered.

The emperor was no less conscious of the need of granting favors to those who had offered help in bringing the war to a successful issue. On one occasion he made a frank confession that as an organizer Chang-liang far surpassed him, that as a strategist Shiao-woo was much better, and that as a general Han-sin was much superior to him.²³ To satisfy all the generals and leaders who had promised allegiance to him, he granted to each a certain portion of land. He even conferred land on his enemies.²⁴ Soldiers who died in the war were to be buried at the expense of the state, and their families were to be provided for. Those who had rendered important service were to be exempted from taxation forever.²⁵

The scholars were the leading citizens and were not to be neglected. To keep them quiet, Kao Tsu proved himself a worthy follower of the past and a worshipper of the sages. He showed honor to the monarchs of the past by assigning positions to their descendants, and even before he became emperor displayed his loyalty by ordering his army to mourn for I Ti, the rightful king of Tsu, who was murdered by Hsiang-yu. During his conquest of the empire, he refused to attack the State of Lu because Confucius taught there, a striking contrast to the attitude of Ts'in Shih Hwang Ti.²⁶ In conformity with the governing principles of the emperors, Kao Tsu made known his

²⁰ *Ibid.* ch. 1, p. 10.

²¹ *Ibid.* ch. 1b, p. 1.

²² *Ibid.* ch. 1b, p. 2.

²³ *Ibid.* ch. 1b, p. 3.

²⁴ *Ibid.* ch. 1b, p. 4.

²⁵ *Ibid.* ch. 1b, p. 9.

²⁶ *Ibid.* ch. 1b, p. 1.

belief that people were to be taught and not to be punished, and that they were to be governed by the good and the honorable of the community.²⁷ Good character, favorable reputation, and experience were requirements which he laid down for those who wished to enter the civil service. Promotion was to be based on merit. It was the emperor's idea that all district magistrates should either in person or by deputy visit the scholars who were known for their good conduct and should recommend them to the Palace.²⁸ While he was still on the battle-field Kao Tsu promised that scholars who were willing to follow him should be ennobled.²⁹ To them he gave exclusive privileges which were denied to the merchants.³⁰ By these means, the support of the conservatives who had been alienated by the Ts'in was obtained.

The land problem was a serious one. Kao Tsu was well aware that he could not practise the extreme absolutism of Ts'in Shih Hwang Ti, for he had learned by experience that unless he gave lands to the leaders of the time, the latter would not follow him.³¹ The question which concerned him was how to grant lands and yet have a central government efficient enough to hold the princes in subjection.

Remembering the mistake of the Chou dynasty in permitting the nation to become a loose federation of petty states, Kao Tsu decided to create a few large kingdoms. He did not restore the Five Class System of Chou which had been abolished by the Ts'in, but started a two class feudalism made up of the king and the feudal princes with the emperor at the top. During the first decade of the Western Han dynasty, there were only twelve kingdoms, three of which were ruled over by Kao Tsu's brothers-in-law who had followed him in the wars, and the remainder by his own brothers.³² The number of officers whom he made feudal princes amounted to little over a hundred.³³ This is in sharp contrast with the beginning of the Chou dynasty, when there were eight hundred kingdoms, fifty of which were ruled

²⁷ *Ibid.* ch. 1b, p. 2.

²⁸ *Ibid.* ch. 1b, p. 8.

²⁹ *Ibid.* ch. 1b, p. 7.

³⁰ *Ibid.* ch. 1b, p. 6.

³¹ *Ibid.* ch. 1b, p. 1.

³² *Ibid.* ch. 3, p. 2.

³³ *Ibid.* ch. 14, p. 1.

by brothers and relatives of the king.³⁴ The kingdoms of Han varied in size from thirty-one to seventy-three districts (Chun).³⁵ Each district was again divided into Hsiens and contained from three to fifty-one of these. Throughout the Western Han dynasty all grants were counted by the numbers of families, and these varied from 10,000 to 460,000 in a district. The estimated population of the various districts ran from 30,000 to 2,590,000. These figures are by no means reliable, because even to-day an accurate census is unknown in China. They provide, however, fairly satisfactory data on which to base estimates.

Among the methods which Kao Tsu devised for maintaining the power and wealth of the central government was the retention of a considerable body of land for himself. At the time of his accession, the central government had fifteen districts, an amount equal to all the large kingdoms combined. He gave portions of that land to his princesses, who were, of course, powerless. For the administration of the capital, he appointed a viceroy who was directly responsible to him.³⁶ The capital was approximately three times the size of the royal domain of the Chou dynasty.

Kao Tsu conferred large grants upon his brothers, because he believed that to locate them at the different strategic points of the country would meet two ends: it would satisfy his brothers, and minimize the danger of rebellion. Hence at the very outset the title 'king' (Wang) was almost exclusively given to his brothers and brothers-in-law. He thought that by virtue of their relation to the emperor they would be faithful, but he overlooked the fact that they might become too powerful and thus endanger the throne. Feudal lords outside his family were not made kings without first granting them the surname Liu-Kao, Tsu's family name. Nine of the emperor's brothers and sons became kings. Later the title 'king' was given to ministers and princes of great merit who did not belong to the Liu family, but all of them disappeared before Wen Ti's reign (179-156 B. C.).³⁷ It is evident, then, that the larger part of the nation

³⁴ *Ibid.* ch. 14, p. 1.

³⁵ *Ibid.* ch. 1b, p. 4.

³⁶ *Ibid.* ch. 17.

³⁷ *Ibid.* ch. 13, p. 1.

was in the hands of Kao Tsu's immediate family and of those closely related to him.

With a few exceptions, Kao Tsu kept the administrative system of the Ts'in dynasty intact. A majority of the offices, as we shall see later, had their origin in the preceding dynasty, and Kao Tsu did not even change their titles. From time to time the number of officials who were used to strengthen the central government and to watch the kings and feudal lords was increased. Kao Tsu and his successors regarded the positions of the censors as very important and kept their occupants busy.

As time went on, many of the kings died without heirs and others lost their estates through unworthy descendants.³⁸ The central government annexed all such territories and put them under its direct control. The Western Han dynasty owes much of its unity and expansion to Wu Ti (140-86 B. C.), for while to some of the generals he granted his newly-won territories, he spared no effort to make the conquered land a portion of the royal domain.

The last and perhaps the most important method by which Kao Tsu and his successors maintained the strength of the central government was the retention of military powers in the hands of the emperors. We have seen how Chou Yu Wang kindled beacon-fires to summon the soldiers of the feudal princes for help. This story illustrates the dependency of the Chou emperors upon the feudal princes for military assistance. With this as an object lesson, the Western Han emperors entrusted all military power to a few generals appointed by the central government. It was this system that kept Kao Tsu's widow from usurping the government and that later put down the Seven Kingdoms' Rebellion (154 B. C.). Indeed, had it not been for the emperor's military power, and the military officers who were always faithful to the Crown, the Western Han would have come to an end long before it did.³⁹ While love of peace weakened the Chou dynasty, the constant invasions of Hiungnu gave to the Han emperors a good reason for building up a national army strong enough to meet any emergency.

In a word, then, Kao Tsu effected a sort of combination of the

³⁸ *Ibid.* ch. 41.

³⁹ *Ibid.* ch. 1b, p. 10.

feudalism of the Chou and of the highly centralized government of the Ts'in. To comply with the desire of the people who were eager to see the return of the Chou days and to quiet those who had done much to win the throne for him, he had to share with his retainers the fruits of his conquests, but he decided to go half way and no more. Along with the restoration of feudalism he limited the number of grants, retained a large area for the capital, created most of his chiefs or kings from the members of his own family, retained and increased all Ts'in official positions which were necessary for a strong imperial government, and kept the military power in the hands of the generals of the central government.

V. *The feudal government.*

We have seen that there were two categories of titles in the feudalism of the Western Han dynasty, king and marquis. We have seen, too, that those who became kings were as a rule the emperor's brothers and children. The title was occasionally given to other men of extraordinary merit, and still later was conferred on the surrendered chiefs of the northern nomads.⁴⁰ It was also the custom of the Western Han dynasty to keep in the emperor's ancestral temple a record of the service rendered by ministers, the children of whom might, under rare circumstances, be summoned to enter civil service and given lands. The emperors of the Western Han, however, particularly those who ruled after the Seven Kingdoms' Rebellion, were very careful not to make unnecessary grants.

Before the Seven Kingdoms' Rebellion, the story of which we are soon to relate, the feudal governments were a miniature of the central government. Their officials, both civil and military, were the counterparts of those of the central government, except that their titles were slightly different. It is explicitly stated that Kao Tsu promised his children the right of governing their own territories.⁴¹ All kingdoms were hereditary, that is, the eldest son succeeded the father, just as the eldest son of the emperor was to succeed the emperor. This, however, was later changed. Except the tutor, the prime minister, and the censors, who were chosen by the emperor,⁴² the chiefs in the feudal king-

⁴⁰ *Ibid.* ch. 17.

⁴¹ *Ibid.* ch. 51, p. 4.

⁴² *Ibid.* ch. 58, p. 4.

doms were allowed to appoint their own officials and levy their own taxes.⁴³

Points of contact between the central government and the feudal governments were insignificant. All that was required was to send an annual tribute, to visit the emperor once in five years,⁴⁴ to attend any conference that the emperor might call, and to send delegates to the imperial palace when ancestor worship took place.⁴⁵ When the kings became old, the emperor granted them a cane and freed them from the necessity of coming to see him.⁴⁶ The emperor also reserved the right to regulate the taxes of the feudal princes in time of famine. Aside from these restrictions, the feudal princes ruled as independently as the emperor himself.

VI. *The growth in power of the feudal kingdoms culminating in the Seven Kingdoms' Rebellion.*

In spite of the checks and safeguards which Kao Tsu provided, the feudal kingdoms increased in importance. During the long war at the end of the Ts'in dynasty, many great cities had been deserted. During and before Wen Ti's reign all people who had left their homes returned, and there was such an inrush of immigrants that some feudal kingdoms actually doubled in population. The larger kings got 3,040,000 families, although originally no one of them had had more than 16,000.⁴⁷

With the increase of population and with the natural resources which some of the feudal kingdoms possessed it followed inevitably that industry grew by leaps and bounds, and with it wealth. For instance, the kingdom of Wu (in the locality of the present province of Kiangsu), by virtue of its nearness to the sea, manufactured salt and coined money, and soon became so rich that it was able to free its people from taxation.⁴⁸ With the increase of wealth, it might well be expected that Wu's regard for the central government would decline.

It will be remembered that at the end of the period of the

⁴³ *Ibid.* ch. 1b, p. 9; ch. 24, p. 4.

⁴⁴ *Ibid.* ch. 5.

⁴⁵ *Ibid.* ch. 5, p. 1.

⁴⁶ *Ibid.* ch. 44, p. 4.

⁴⁷ *Ibid.* ch. 16.

⁴⁸ *Ibid.* ch. 35, p. 2.

Contending States, some of the feudatories became strong because of the four nobles who used to have a large number of guests.⁴⁹ The nobles would give them pensions, and in return, when emergency arose, these guests would do all in their power to uphold their masters. This was also common in some of the larger kingdoms at the beginning of the Western Han dynasty, and it became at least one of the causes that contributed to the importance of the kings.⁵⁰

The growth of military power was another explanation for the expansion of the feudal kingdoms. In the attempt of Queen Li (Kao Tsu's consort) to kill off all the kings of the Liu family and to fill their places with her own brothers, several of Kao Tsu's sons were executed outright or compelled to commit suicide.⁵¹ This attempted *coup d'état* gave a pretext for the remaining feudal kings of the Liu name to enlarge their armies, a step which might later tempt them to revolt.

In time, then, the feudal lords came to be more concerned with their own autonomous development than with loyalty to the central government. Within a hundred years after the accession of Kao Tsu they had gotten so far away from the control of the emperor that the realm seemed about to return to the decentralized conditions of the Contending States. The feudal chiefs were ready to challenge the strength of the central government whenever a chance should be given.

The emperors, however, were keenly alive to the danger, and saw clearly that if affairs were allowed to take their course, the feudal governments were certain to surpass the imperial government in wealth and power. In view of this danger several attempts were made to reduce the feudal kingdoms. Two brilliant statesmen, Kia I and Ch'ao Ts'o, initiated the plan. These men suggested in turn to Wen Ti and King Ti (156-140 B. C.) that a part of the feudal lands be annexed by the central government, for the stronger the central government the less the fear of rebellion.⁵² Kia I's proposal, however, received but scant attention, and the seven kingdoms demanded the execution

⁴⁹ P'ing Yuan Kun, Meng Ch'ang Kun, Sin Ling Kun and Ch'un Shen Kun.

⁵⁰ Pan Ku, *Ch'ien Han Shu*, ch. 44.

⁵¹ *Ibid.* ch. 38.

⁵² *Ibid.* ch. 48, p. 5.

of Ch'ao Ts'o on pain of revolt. An outbreak finally started in the kingdom of Wu. The ruler of that state, fearing that the central government might become too strong, induced his fellow kings to join him. Partly because of the military power of the central government, and partly because of the lack of close coöperation among the rebellious states, the revolt was put down.

VII. *A period of centralization.*

As soon as the Rebellion of the Seven Kingdoms had been suppressed, the emperor King Ti undertook to reduce the feudal kings to a less independent position. His first measure was to deprive them of the full control of their estates. It will be recalled that except for a nominal tribute which the feudal chiefs paid to the central government they practically ruled as independent sovereigns. Now the central government made it known that the kings were not to be allowed to govern their lands.⁵³ They might keep them as a source of revenue, but must part with their political functions. All officials, civil and military, were now to be appointed by the emperor and were to be directly responsible to him.⁵⁴ To guard against plots and conspiracies, the number of officials in the kingdoms was greatly reduced.⁵⁵ As a result some of the kings became so poor that they were forced to ride in ox-drawn carts.⁵⁶ They ceased to exert political influence and became harmless pensioners of the central government.

In the second place, the emperor now put into execution a plan which had been contemplated during the initial years of the dynasty, the division of the kingdoms among the children of the kings. The central government notified the kings that after the death of each, the eldest son was to retain a comparatively larger portion of land and the title of king, while to the younger sons were to go a definite portion of land and the title of lord.⁵⁷ As a result the largest kingdom (Chi) was soon divided into seven parts, Chao into six, Liang into five, and Wei Nan into three.⁵⁸

⁵³ *Ibid.* ch. 19, p. 7.

⁵⁴ *Ibid.* ch. 38.

⁵⁵ *Ibid.* ch. 19, p. 7; ch. 14, p. 2.

⁵⁶ *Ibid.* ch. 38.

⁵⁷ Ssu-ma Ch'ien, *Shih Chi*, ch. 17.

⁵⁸ *Ibid.* ch. 17.

During Wu Ti's reign all the former wealthy and extensive kingdoms became insignificant. As the number of states multiplied, the spirit of unity increased and the danger of revolt declined.

King Ti and his successors were particularly careful to limit or reduce the size of the kingdoms.⁵⁹ The big kingdoms of Wu Ti's time did not exceed ten cities, while the lords did not have more than forty or fifty li, an amount of land so small that the income was just sufficient to pay their tribute, their share in the expenses of the imperial worship, and to meet their own private expenses.⁶⁰ Each king was allowed to possess no more than three hundred *mou* (acres) of land and two hundred servants.⁶¹ Violation of the law was punished by confiscation.

The central government, moreover, began to avail itself of every opportunity to annex kingdoms in whole or in part. Sometimes the king died without children, or the children were convicted of crime, and sometimes the king failed to appear when summoned, or neglected to send money to aid in the annual imperial worship.⁶² Largely as a consequence the royal domain, which at the beginning of the dynasty possessed fifteen districts, by the time of King Ti increased to over eighty.⁶³ Perhaps the most important feature of the plan was the imperial possession of all mountains and rivers, a source from which the kingdoms once derived much of their prosperity and wealth.⁶⁴

Another means used to avoid trouble with the feudatories was to shift the kings much as the late Manchu régime shifted the viceroys.⁶⁵ Suspended kings were usually asked to remove to the frontier provinces, which was equivalent to exile.⁶⁶

As a final precaution against rebellion, censors were maintained whose duty it was to inspect the kingdoms and to make reports. These officials were to see to it that no large kingdoms trespassed on the neighboring small states, and that there was no disobedience of imperial decrees, no excessive taxation, no injustice in the courts, no practice of favoritism, and no luxury.⁶⁷

⁵⁹ Pan Ku, *Ch'ien Han Shu*, ch. 44, p. 4.

⁶⁶ *Ibid.* ch. 11, p. 2.

⁶⁰ *Ibid.* ch. 44, p. 14; ch. 14, p. 2.

⁶⁷ *Ibid.* ch. 19, p. 7.

⁶¹ Ssu-ma Ch'ien, *Shih Chi*, ch. 17.

⁶² Pan Ku, *Ch'ien Han Shu*, ch. 53, p. 3; ch. 6, p. 9.

⁶³ Ssu-ma Ch'ien, *Shih Chi*, ch. 17.

⁶⁴ *Ibid.* ch. 17.

⁶⁵ Pan Ku, *Ch'ien Han Shu*, ch. 48, p. 12.

In a word, the kings were no longer semi-independent rulers, but pensioners, and as such they had merely the right to gather taxes under imperial supervision. They were held strictly to their duties and obligations to the emperor, and were required to attend the imperial worship and to be present at the regular conferences with the head of state.⁶⁸

VIII. *The central government.*⁶⁹

As in all absolute monarchies, the emperor under the Han was in theory all powerful, the chief executive, the law-giver, and the supreme judge. In time of peace he regulated taxes, examined scholars, and appointed ministers. In time of war he was commander-in-chief of the armies.

Usually, however, the emperor did not exercise all the powers which technically belonged to him. He had a prime minister who was frequently the real ruler. The title 'prime minister' (Chin Siang, later Siang Kuo, in either case meaning 'to assist in ruling') was created by Ts'in Shih Hwang Ti and preserved by the Han emperors. Some emperors indeed had two prime ministers. The duties of the latter were not clearly defined. Upon his suggestion the emperor appointed, dismissed, or punished his kings and officials,⁷⁰ made and abolished laws, proclaimed peace, and declared war. All petitions, recommendations, impeachments, and reports reached the crown only through his hands.⁷¹ He had two assistants.

The senior tutor, the senior chancellor, and the senior guardian together constituted what was known in the Chou dynasty as the Three Councillors. These were abolished by the Ts'in dynasty but were restored under the Han. Besides offering suggestions and advice, their functions were insignificant.

The general (Ta Ssu Ma) was charged with the direction of all military affairs.⁷² Under him were four lieutenant-generals

⁶⁸ *Ibid.* ch. 6, pp. 11-15.

⁶⁹ For a complete list of the titles of the Western Han officials consult Édouard Chavannes' *Les mémoires historiques*, five volumes, Paris, 1897; Vol. 5, Appendix 1.

⁷⁰ Pan Ku, *Ch'ien Shu*, ch. 5, p. 4.

⁷¹ *Ibid.* ch. 19, p. 2.

⁷² The title 'general' corresponds to the 'T'ai Wei' of the Ts'in dynasty.

(right, left, front, and rear). The number was increased from time to time. They commanded the two standing armies in the capital, and the national army in case of foreign invasion.

Another official who, with the prime minister and the general, shared the honor of being the most important functionary at court, was the grand censor (Yu Ssu Ta Fu, later known as Ta Ssu K'ung). He was at the head of civil officers, and upon him the positions of all sub-officers depended. He had two assistants, one in charge of the imperial library, the other entrusted with the duty of inspecting all district officers. Under those two were fifteen commissioners (Yu Ssu Yuan) whose duty it was to receive all indictments submitted by local officers.

The administrative board corresponding to the departments of modern governments included, first of all, the Ta Ssu Lung or minister of agriculture. China was then predominantly agricultural, and derived the greater part of her national revenue from the farm. The minister of agriculture was to send around officers to collect taxes from the farm and to distribute grain to all civil office-holders. All taxes coming from mountains, seas, ponds, and marshes went to meet the current expenses of the imperial family.⁷³

There were three governors in the capital. Under them were a number of military officers whose duty it was to maintain order in the royal domain.

There was a special functionary to look after the imperial temple, ancestral halls, and ceremonial observances.

The supreme court was organized under the Ts'in dynasty (the title 'Ting Wei', meaning fair, survived in the Han).⁷⁴ The court was attached to the palace, and the chief justice was appointed by the emperor. Later this court was called T'ai Li Yuan, a name which was in vogue even at the beginning of the Republic. In the seventh year of Kao Tsu's reign, each Hsien was ordered to have a local court of its own. If a case could not be settled there it was to be submitted to the governors, who, in case they should fail to settle it, were to hand it over to the supreme court. Final appeal could be taken to the emperor.

⁷³ There were two kinds of taxes, 'S'ai' and 'Fu'; the first for public expenses, the second for the national army.

⁷⁴ Ssu-ma Ch'ien, *Shih Chi*, ch. 23, p. 8.

Within the imperial palace there stood the head official of the court. His duty chiefly consisted in reporting on the character of all court officials. Under him were five categories of officers which we need not describe except to say that they were either personal guards or servants of the emperor and the royal family. In addition, there were special officials to look after the different palaces and to take care of the finances of the imperial family.

IX. *Local administration.*

The country was divided into kingdoms, which in turn were divided into administrative districts. Each district was again divided into Hsiens. As we have noticed previously, the number of districts under each kingdom varied from three to fifteen, and the number of Hsiens in each district varied from three to fifty-one. Towards the close of the Western Han dynasty, it was estimated that the capital or royal domain had fifty-seven Hsiens and a population of two and a half million.⁷⁵ Outside of the royal domain the country was divided into twenty kingdoms, which were composed of eighty districts, which again were made up of one thousand five hundred and one Hsiens. The total population was approximately sixty millions.⁷⁶

The Western Han dynasty kept the district system of Ts'in practically intact. At the head of each district were a civil governor and a military officer. At the head of each Hsien was a magistrate. Each Hsien was about ten li square and was composed of an indefinite number of counties or Shans. There were three officers in each county, who were collectively known as the 'Three Old Ones.' One was to look after the religious and educational welfare of the people or, more strictly, to enlighten the people in the ways of living, one was the judge and tax collector, and the third was the head of the police. The smallest unit was a Ting, at the head of which was an officer who had no well defined duties.⁷⁷ From the prime minister to the lowest official, it was estimated that one time there were not less than 130,000 officials.

⁷⁵ Ssu-ma Ch'ien, *Shih Chi*, ch. 28, p. 5.

⁷⁶ *Ibid.* ch. 28.

⁷⁷ After the Seven Kingdoms' Rebellion, all these officials were appointed by the emperor.

X. *The effects of the administrative system of the Western Han upon subsequent dynasties.*

The Western Han dynasty is generally regarded as one of the most glorious periods in Chinese history, not alone because of the widespread conquests of Wu Ti's reign and the brilliant rulers which it produced, but because of the far-reaching and persistent influences of its administrative system upon later dynasties.

1. Perhaps the most outstanding and lasting effect of the Western Han dynasty was the honor paid to scholars. For the purpose of recruiting officials for the elaborate bureaucracy, civil service examinations were established, and success in these was based upon proficiency in the classics. Decrees ordering the recommendations of scholars for governmental service were repeatedly promulgated. People came to regard the mastery of the classics as the only method of obtaining entrance into the time-honored official class. In P'ing Ti's time (1-6 A. D.) the Chou school system was restored and scholars were distinguished by their dress and manner. Later the title 'Five Classics Doctor' was created. A general knowledge of the five classics was required of any scholar who had the desire to be an official. The Confucian school, wellnigh extinguished by the Ts'in, now enjoyed unprecedented popularity. It was this tradition that obtained honor for the scholar class and gave birth to the competitive examination system. It was this tradition, too, which made scholars more eager for official positions than for social usefulness.

2. We must not overlook another effect of the Western Han officialdom, which as ages went by contributed much to the corruption of the Chinese administrative system. This was the sale of offices and titles, a practice which had its origin in the latter part of Wu Ti's reign, when the country was on the verge of bankruptcy because of the long wars and the successive attacks of famine. To get money, the government created and sold titles and petty offices. In later years, however, when famine was over, the government had no intention of abolishing the system, and gradually it became a regular form of national income; and the wealthy began to look upon political position as a means of acquiring a fortune. So persistent was the corrupt tendency then established that as late as the Manchu

dynasty officials shamelessly regarded office as a source of private gain. With money they procured power; with power they obtained more money.

3. At the beginning of the Western Han dynasty, people were allowed to mint cash and produce salt and iron. Later, however, when the country was flooded with cash, money began to lose value, and as the salt and iron merchants became rich the government relied on them in time of financial stringency. To remedy the situation and to add to the wealth of the central government, coinage of money and the manufacture of iron and salt were forbidden to individuals.

4. One of the noteworthy features of the Western Han period was the changes in the penal system made under different rulers. Kao Tsu ordered that all criminals over seventy and below ten should not be held responsible for the crimes committed.⁷⁸ It was also in his time that the death punishment was commuted for the payment of 60,000 cash. The punishment of the 'slaughter of three clans' was abolished.⁷⁹ In theory and practice the Western Han rulers in the long run carried out the motto set forth by Kao Tsu that 'people are to be enlightened, not punished,' a motto which has inspired many a monarch in ensuing generations.

5. The emperors of Western Han in their provision for the old and destitute not only showed their own magnanimity and care but also aided materially the initiation of many philanthropic institutions, some of which exist to-day. The emperor Wen Ti was the first one to order that widows, widowers, orphans, and the poor were to be cared for. It was the duty of the district magistrate to send around officers to visit these helpless people. People over eighty were given ten bushels of rice and a certain amount of meat and wine each month. Those over ninety received, in addition, two hundred feet (tsai) of silk and forty ounces of cotton.⁸⁰ These grants were constantly fulfilled by the emperor. Sometimes the helpless were exempted from taxes and service. Not infrequently, when the country

⁷⁸ Pan Ku, *Ch'ien Han Shu*, ch. 1b, p. 1.

⁷⁹ Formerly when a criminal was convicted of some very serious crime, not only was he to be executed, but all his relatives on the side of his mother, father, and wife.

⁸⁰ Pan Ku, *Ch'ien Han Shu*, ch. 4.

was at peace, the emperor would ask his governors to make through their commissioners a special study of the poor and to provide means of relief and help. This policy encouraged private charitable institutions. Many of the traditions and customs of government aid for the poor have come down to our days.

6. The exact tax system is nowhere to be found in the Chinese records of the Han dynasty. It is quite safe to infer from the various hints found here and there that the government laid taxes on merchandise, while the chief revenue was from the land tax. There was a head tax of sixty-three cash per year in Wu Ti's time, but what became of it in later generations, no one can tell.⁸¹ Unmarried women beyond the age of thirty were to pay sixty cash a year.⁸² On the other hand, the pure women, the filial, the old, the parentless, and the good were usually free from taxation, or paid at one half the rate of others.⁸³ It was the custom of the Western Han, too, to grant people wine and silk at the accession of a new emperor. Whether compulsory military service such as was installed by Ts'in Shih Hwang Ti survived in the Han is questionable. We know, nevertheless, that at the beginning, all prisoners held for minor crimes were compelled to enter the service for national defense.⁸⁴

7. In the royal grants of oxen and wine, women had an equal share. Unusual honors were given to chaste women after their death, and the grants of land and titles to women were an innovation of the dynasty. It is true that in the preceding dynasties women had ruled behind the throne, but the queen of Kao Tsu (Li Shih) became a ruler in fact. Her attempt to kill off all Kao Tsu's sons and to transfer the country to her own family, though a failure, established a precedent which was to be repeated later on and was occasionally to imperil the nation.

8. Very often under the Western Han the emperor was not the sole ruler. The emperors of the Chou diffused their power among the feudal princes, but the Han emperors leaned upon their prime ministers and councillors, to many of whom we must admit the Han dynasty owed its prosperity and development.

⁸¹ *Ibid.* ch. 2, p. 7.

⁸² *Ibid.* ch. 1.

⁸³ *Ibid.* ch. 1.

⁸⁴ *Ibid.* ch. 2, p. 8.

Later, moreover, under weaker sovereigns, some favorites actually worked for the destruction of the imperial house. From then on, up to the outbreak of the Revolution in 1912, the government was more than once either in the hands of the queen and her relatives, or of the prime ministers; and often the two would plunge the country into chaos.

We have seen that the administrative systems and traditions of the Han have left many good as well as bad influences. On the whole, it is agreed that the Western Han was one of the most brilliant of the formative periods of Chinese history. It succeeded in organizing a central government upon which the subsequent dynasties laid their basis. It revived the Confucian classics and prepared a civil service basis upon scholarship. In strong contrast with the Chou kings there was a close relationship between the people and the central government. Never before were the monarchs so eager to study the people, their needs and problems; and, on the other hand, never before were the subjects so conscious of their obligation towards the rulers. As a dynasty, the Western Han contributed much to the solidification and the general development of the country.